
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MELISSA SAPP-SMITH,

Plaintiff,

vs.

**WASATCH PROPERTY
MANAGEMENT, et al.,**

Defendant.

**MEMORANDUM DECISION
AND ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:18CV413-DAK-BCW

Judge Dale A. Kimball

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Brooke C. Wells under 28 U.S.C. § 636(b)(1)(B). On February 6, 2019, Magistrate Judge Wells issued a Report and Recommendation, recommending that Defendants' Motion to Dismiss, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, be granted and that Plaintiff's Complaint be dismissed with prejudice for failure to state a claim upon which relief can be granted. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation was required to be filed within fourteen days of receiving it. As of the date of this Order, Plaintiff has not filed an objection and the time for doing so has passed.

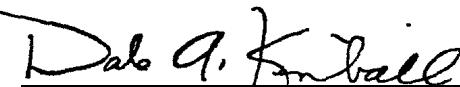
A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo*. The court agrees with Magistrate Judge Wells' recommendation to dismiss the case for failure to state a claim upon which relief can be

granted. The court construes *pro se* filings liberally. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, Plaintiff has not alleged actionable federal claims or facts to support such claims.

Accordingly, the court adopts and affirms Magistrate Judge Wells' Report and Recommendation in its entirety. The court grants Defendant's Motion to Dismiss [Docket No. 13] and Plaintiff's Complaint is dismissed with prejudice for failure to state a claim upon which relief can be granted.

DATED this 1st day of March, 2019.

BY THE COURT:



DALE A. KIMBALL
United States District Judge